

## EDITORIAL

## Do the Wright Thing

Duxbury Clipper

Wednesday, February 5, 2003

Voters at town meeting will be asked to pass judgment on two competing proposals for use of the Wright Building on St. George Street (formerly the town library). The South Shore Conservatory seeks to use the building to expand its arts and music program. A community group wants the building to establish a new teen center.



Both proposals deserve scrutiny. But there is a threshold question that must be answered first. Our story begins in the late 19<sup>th</sup> century:

The Wright family moved to Duxbury around 1870 and lived in an expansive mansion on St. George Street (across the street from where the Wright building now stands). Tragedy struck in 1888 when the Wright's 21-year old son George fell down an elevator shaft and died (thus the origin of Saint George Street.) In memory of her son, Georgianna B. Wright decided to donate the land and an existing wooden building for a town library.

Mrs. Wright transferred the deed in 1890 to the Trustees of the Duxbury Free Library "so long as the premises may be used or occupied by the Duxbury Free Library. In case said Library Association fails or ceases to occupy said premises for the use of a Library or Reading room the above conveyed premises shall revert to us and our heirs."

Her gift was warmly welcomed by Duxbury residents who passed a town meeting resolution in March of 1890 to honor "a lady of winning manners, whose personal accomplishments were only equaled by the goodness of her heart, over whose life there has fallen the shadow of grief that marred her earthly happiness." In June of that year town meeting voters appropriated a sum of \$250 to finance the new library.

In 1906, Mrs. Wright offered to build a new brick building for the library. (The wooden building was moved down the street and was used as town offices until 1975). A condition of the offer was that the trustees form a corporation to maintain the library. The corporation was certified on Nov. 21, 1906 with the stated purpose of "maintaining a public library and reading room in Duxbury, Mass. and the encouragement of reading and knowledge by giving lectures and otherwise."

The Duxbury Free Library corporation owned the library until 1967 when the land and building were conveyed to the town in a close town meeting vote. The Probate court ruled that the earlier deed restrictions recorded by Mrs. Wright did not prevent the corporation from conveying the property to the town so long as it was for the "express and exclusive purpose of maintenance thereon of a free or public municipal library."

Fast forward to the present. The Duxbury Free Library has moved to larger quarters and the Wright building is now essentially unused. The town must now decide what is the proper fate for this property.

Strictly speaking, neither of the current proposals meets the standard originally set by Georgianna Wright. So there are two fundamental questions to answer before we discuss the merits of either of these ideas. Can we legally do this? If so, should we?

The answer to the first question has not been definitively answered, contrary to what was said at this week's selectmen's meeting.

Town Counsel Robert Troy stated two years ago that because the building was under the control of selectmen following the town meeting vote, selectmen could allow "any municipal use." A land use attorney consulted in March 1998 reached the opinion that the original deed restrictions were extinguished in 1964, and the later restrictions were unenforceable.

While both of these are learned opinions, they remain merely opinions and should be cleared in court before taken as gospel. This should be done before we vote at town meeting. What would happen if the town enters into a long-term lease with the South Shore Conservatory and then Mrs. Wright's long-lost heir returns and decides she wants her family land back?

But regardless of the legality of these maneuverings, we are more troubled by the second part of the equation. To subvert the will of a valid bequest is not just an insult to their memory; it is a chilling statement to make to future donors.

We think veteran town official Ruth Rowley put it well at a recent meeting: "As a town we won't be able to encourage gifts if we don't abide by the terms of the gift. We should go to probate court to see if either of these is an approved use. To ignore the orderly process is offensive to those of us who pay taxes."

We couldn't agree more.